

THE DEPUTY MAYOR FOR PLANNING  
AND ECONOMIC DEVELOPMENTNOTICE OF FINAL RULEMAKING

The Deputy Mayor for Planning and Economic Development ("Deputy Mayor"), pursuant to section 3 of the Industrial Revenue Bond Forward Commitment Program Authorization Act of 1995, effective September 20, 1995 (D.C. Law 11-46; D.C. Official Code § 47-340.02(c) (2001)), section 502(b) of the Industrial Revenue Bond Fees Act of 1997, effective March 20, 1998 (D.C. Law 12-60; D.C. Official Code § 47-340.20 *et seq.* (2001)), and Mayor's Order 83-145, dated June 24, 1983, gives notice of the final adoption of the following amendments to section 5015 in Chapter 50 (Revenue Bonds) of Title 10 of the *District of Columbia Municipal Regulations* ("DCMR").

The amendments establish a schedule of administrative fees to be paid with respect to certain revenue bonds, notes and other obligations authorized to be issued by the District of Columbia under section 490 of the District of Columbia Home Rule Act, 87 Stat. 790; Pub. L. 93-198; D.C. Official Code §§ 1-204.90 (2001).

No comments were received and no changes were made to the Notice of Proposed Rulemaking published in the *D.C. Register* on June 16, 2006, at 53 DCR 4827. These rules will become effective upon publication of this notice in the *D.C. Register*.

Chapter 50 of Title 10 DCMR is amended as follows:

(1) Sections 5015.1 and 5015.2 are amended to read as follows:

5015.1 The developer, owner, or applicant, whichever is applicable as determined by the Deputy Mayor for Planning and Economic Development (Deputy Mayor), shall be responsible for all costs incurred by the District with respect to the financing of the facility, including, without limitation, the processing of the application, if applicable, all matters relating to the issuance of the bonds, financial advisor fees, bond counsel fees, and other matters.

5015.2 If, for any reasons whatsoever, the developer, owner, or applicant, whichever is applicable as determined by the Deputy Mayor, after receiving written notification from the Deputy Mayor, fails to conclude necessary negotiations or take requested action within a reasonable or specified period of time, or if the developer, owner, or applicant withdraws, abandons, cancels, or neglects the application, or if the developer, owner, or applicant is unable to find a purchaser for the bonds, or if the bonds are not issued for any reason (other than failure of the District to provide for issuance of the bonds), then upon presentation of an

invoice, the developer, owner, or applicant shall pay to the District, or to persons or firms designated by it, all fees, charges, and other costs incurred with respect to the application and any proposed bond issue, up to that date and time, including fees of financial advisors and bond counsel for the District.

- (2) Repeal section 5015.3;
- (3) Renumber section 5015.4 to be section 5015.10; and
- (4) Add new sections 5015.3 through 5015.9 to read as follows:

- 5015.3 In addition to the costs specified in § 5015.1, and except as specified in § 5015.4, upon the delivery of any bonds issued pursuant to section 490 of the Act (other than bonds issued by the Chief Financial Officer or an instrumentality of the District, to whom bond issuance authority has been delegated by the Council pursuant to section 490 of the Act), the developer, owner, or applicant shall pay to the District an origination fee according to the following schedule:
- (a) Up to twenty-five million dollars (\$25,000,000) in face amount of bonds – twenty-five hundredths of a percent (0.25%) of the face amount of the bonds;
  - (b) More than twenty-five million dollars (\$25,000,000) and up to and including one hundred million dollars (\$100,000,000) in face amount of bonds – fifty hundredths of a percent (0.50%) of the face amount of the bonds; and
  - (c) More than one hundred million dollars (\$100,000,000) in face amount of bonds – seventy-five hundredths of a percent (0.75%) of the face amount of the bonds.
- 5015.4 In addition to the costs specified in § 5015.1, upon delivery of bonds issued pursuant to section 490 of the Act (other than bonds issued by the Chief Financial Officer or an instrumentality of the District to whom bond issuance authority has been delegated by the Council pursuant to section 490 of the Act) that are secured either by payments in lieu of taxes or by tax increments, or both, the developer, owner, or applicant, whichever is applicable as determined by the Deputy Mayor, shall pay to the District an origination fee of one and one half percent (1.5%) of the face amount of the bonds on the date of delivery of the bonds and shall pay the District an annual administrative charge thereafter on each anniversary date of the date of delivery of the bonds equal to fifteen hundredths of a percent (0.15%) of the outstanding principal amount of the bonds on each applicable anniversary date.
- 5015.5 The entire origination fee shall be due on the date the bonds are delivered. With the written approval of the Deputy Mayor, a developer, owner, or applicant may pay the origination fee in up to five (5) equal installments,

commencing on the date the bonds are delivered and continuing on each anniversary date thereafter until the entire origination fee is paid, without interest, upon written request to the Deputy Mayor no later than thirty (30) days prior to the date of delivery of the bonds evidencing the adverse impact of a single origination fee payment on the project to be financed with the proceeds of the bonds.

- 5015.6 Payment of the origination fee in installments may be found to have an adverse impact on the project to be financed with the proceeds of the bonds if it is evidenced to the satisfaction of the Deputy Mayor that without the allowance for payment of the origination fee in installments, the developer, owner, or applicant will be unable to pay all of the other costs of issuance of the bonds on the date of delivery thereof or within the year beginning on the date of issuance of the bonds.
- 5015.7 With the written approval of the the Deputy Mayor, the origination fee, but not the administrative charge, may be reduced or waived after written request to the Deputy Mayor no later than thirty (30) days prior to the date of delivery of the bonds evidencing that an origination fee concession in whole or in part will further the public interest because the present value of the special public purpose benefits offered by the developer, owner, or applicant at the project to be financed with the proceeds of the bonds exceeds the dollar amount of the origination fee, or that imposition of the origination fee is likely to adversely impact the financial feasibility of the project to be financed with the proceeds of the bonds, or if the imposition of the origination fee will result in a debilitating financial impact on the developer, owner, or applicant or on the operations of the project to be financed by the proceeds of the bonds. The special public purpose benefits, and the total value of the special public purpose benefits, shall be determined in the discretion of the Deputy Mayor and shall include, but not be limited to, public benefits the quality or quantity of which are not a necessary or natural consequence of the project that is to be financed with the proceeds of the bonds. The present value of the special public purpose benefits shall be the total value of the special public purpose benefits for the period of five (5) years from the date of the delivery of the bonds discounted to a present value at a per annum rate equal to the "Prime Rate" as published on the date the calculation is made by "The Wall Street Journal" in its listing of "Money Rates". The value of any fee concession granted shall not exceed the amount required to avoid such adverse or debilitating impacts.
- 5015.8 For the purposes of § 5015, a developer shall mean a person who undertakes to develop a real estate project; an owner shall mean either an owner as defined in the Payments in Lieu of Taxes Act of 2004, effective April 5, 2005 (D.C. Law 15-293; D.C. Official Code § 1-308.01 *et seq.*) with respect to bonds secured by payments in lieu of taxes or an owner of

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any building which is located in a Tax Increment Financing area with respect to bonds secured by tax increments pursuant to the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.71 *et seq.*); and an applicant shall mean any individual or any public corporation, private corporation, association, partnership, firm or other entity, organized for the purpose of making a profit or as a non-profit organization, other than the District or any of its agencies and instrumentalities, which, pursuant to the filing of an application, requests the District to participate in the financing of a project through the issuance of bonds pursuant to section 490 of the Act (other than bonds issued by the Chief Financial Officer or an instrumentality of the District to whom bond issuance authority has been delegated by the Council pursuant to section 490 of the Act).

5015.9 For the purposes of § 5015, payments in lieu of taxes shall have the meaning set forth in the Payments in Lieu of Taxes Act of 2004, effective April 5, 2005 (D.C. Law 15-293; D.C. Official Code § 1-308.01 *et seq.*) and tax increments shall have the meaning set forth in section 490 of the Act.

**BOARD OF EDUCATION**

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**NOTICE OF FINAL RULEMAKING**

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The Executive Secretary of the D.C. Board of Education, pursuant to the authority set forth in D.C. Code, 2001 edition, Section 38-101, hereby gives notice of final rulemaking action taken by the Board at its July 17, 2006 Board meeting to amend Chapter 1 of the Board Rules, Title 5 of the D.C. Municipal Regulations, regarding By-Laws of the Board of Education. The revision requires 1) the Board to provide an hour of public comments before the call to order before each State Education Agency meeting and 2) Each speaker to be allowed no less than two minutes.

The final rulemaking action will take effect upon the publication of a Notice of Final Rulemaking in the D.C. Register. Proposed rulemaking on this subject was published in the D.C. Register on May 19, 2006.

Chapter 1 is amended to read as follows:

**105 MEETINGS OF THE BOARD OF EDUCATION: REGULAR MEETINGS**

**105.1** The Board shall hold separate regular and State Education Agency monthly business meetings in the months of September through July of each year to take actions on, respectively, state education policy and local education policy. The Board may coordinate its State Education Agency and regular monthly meetings to be consecutive; provided, however, that these meetings shall not be held concurrently.

**105.2** Unless specifically changed by the Board, the regular meetings shall be held on the third Wednesday of each month at a time and place established by the Board

**105.3** The State Education Agency meetings will be held monthly on Mondays the same week as the regular Stated Board meeting, except in August during recess.

- a) The Board of Education will provide a period of one hour, before the Call to Order and Roll Call of the State Education Agency meetings, for public comments.**
- b) Only two speakers from the same organization will be heard.**
- c) The President will establish time limits for presentations.**
- d) Each speaker will be allowed to speak for no less than two minutes**

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Copies of this rulemaking are available from the Office of the Board of Education by calling (202) 442-4289.

## DISTRICT OF COLUMBIA BOARD OF EDUCATION

## ERRATA NOTICE OF FINAL RULEMAKING

The Board of Education ("Board"), pursuant to the authority set forth in D.C. Code, 2001 Edition, §§38-101 & 38-102 et seq., hereby gives errata notice of final rulemaking action taken by the Board at its meeting held on June 19, 2006 to amend Chapter 30 of the Board Rules (Title 5 of the D.C. Municipal Regulations).

This amendment, if enacted, will effect the following actions: Change the burden of proof in due process hearings from being borne solely by the Local Education Agency to the responsibility of either the parent or LEA depending on which party is seeking relief.

The Notice of Final Rulemaking was published in the D.C. Register on June 30, 2006. The instructions were to amend Section 3030.3. The published Section incorrectly used the number "3029.2". The correct Section to be deleted, amended and republished is Section "3030.3."

**Amend Section 3030.3:**

~~3030.3 The LEA shall bear the burden of proof, based solely upon the evidence and testimony presented and testimony presented at the hearing, that the action or proposed placement is adequate to meet the educational needs of the student.~~

**The burden of proof shall be the responsibility of the party seeking relief; either the parent /or guardian of a child or the LEA. Based solely upon the evidence presented at the hearing, an impartial hearing officer shall determine whether the party seeking relief presented sufficient evidence to meet the burden of proof that the action and /or inaction or proposed placement is inadequate or adequate to provide the student with a Free Appropriate Public Education (FAPE).**

Copies of this rulemaking are available from the Office of the Board of Education by calling (202) 442-4289.

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PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., 2<sup>nd</sup> FLOOR, WEST TOWER  
WASHINGTON, D.C. 20005

NOTICE OF FINAL RULEMAKING

TELEPHONE TARIFF 06-3, IN THE MATTER OF THE APPLICATION OF  
VERIZON WASHINGTON, D.C., INC., FOR AUTHORITY TO AMEND THE  
GENERAL SERVICES TARIFF P.S.C. - D.C. -NO. 203

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice of its final rulemaking action, taken in Order No. 14003 (July 20, 2006), to approve the tariff application of Verizon Washington, D.C. Inc. ("Verizon DC")<sup>1</sup> to amend the following tariff pages:

**GENERAL SERVICES TARIFF P.S.C.-D.C.-NO. 203**

**Section 6, 1<sup>st</sup> Revised Page 11**

**5<sup>th</sup> Revised Page 12**

**2<sup>nd</sup> Revised Page 13**

2. Through this tariff filing, Verizon DC seeks to increase the monthly recurring rates for certain Value Added Services.<sup>2</sup> Value Added Services include Call Forwarding, Anonymous Call Rejection, Call Block, Call Forwarding, Call Intercept, Call Trace, Call Waiting, Caller ID, Busy Redial, Residence Feature Packages, and others outlined in the Application.<sup>3</sup> These services are classified as Discretionary Services under Price Cap Plan 2004, which limits rate increases to 15 percent or less annually.<sup>4</sup> Verizon DC asserts that the Application complies with Price Cap Plan 2004.

3. The Commission issued a Notice of Proposed Rulemaking, published in the *D.C. Register* on April 28, 2006, inviting the public to submit comments on the proposed tariff amendment.<sup>5</sup> No comments were filed. The Commission subsequently approved

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<sup>1</sup> *Telephone Tariff 06-3, In the Matter of the Application of Verizon Washington, DC, Inc. for Authority to Amend the General Services Tariff, P.S.C.-D.C.-No. 203*, Letter from J. Henry Ambrose, Verizon DC Vice President for State Public Policy to Dorothy Wideman, Commission Secretary (April 7, 2006) ("Application").

<sup>2</sup> See Application at 1.

<sup>3</sup> See *id.* at 2-4.

<sup>4</sup> See *id.* at 1. See also Formal Case No. 1005, *In the Matter of Verizon Washington, D.C. Inc.'s Price Cap Plan 2004 for the Provision of Local Telecommunications Services in the District of Columbia*, Order No. 13370, rel. September 9, 2004. ("Price Cap Plan 2004").

<sup>5</sup> 53 *D.C. Reg.* 3491-3492 (2006).



Verizon DC's Application in Order No. 14003, finding that the proposed tariff revision was consistent with the requirements of Sections 3(a) and 3(a)(3) of Price Cap Plan 2004. This tariff revision becomes effective upon the publication date of this Notice of Final Rulemaking in the *D.C. Register*.

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## DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

## NOTICE OF FINAL RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority of Sections 3(b), 5(3)(D)(iii) and 6(c) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(3)(D)(iii) and 50-921.05(c)); and Mayor's Order 2006-22 (February 27, 2006), hereby gives notice of the adoption of amendments to Chapter 12, "Bicycles, Motorized Bicycles, and Miscellaneous Vehicles," Chapter 24, "Stopping, Standing, Parking, and Other Non-Moving Violations," and Chapter 26, "Civil Fines for Moving and Non-Moving Infractions," of the Vehicles and Traffic Regulations (18 DCMR). The amendments update bicycle safety equipment guidelines in § 1204; eliminate the approval and sale of bicycle safety equipment in § 1205; repeal the provision requiring an application for a bicycle rack permit be signed by the owner of the abutting property and filed with the Mayor in §1208; clarify the legal locations to park a bicycle in § 1209; and set forth a process for removing abandoned bicycles from the public space in § 1210. The amendment to Chapter 24 prohibits vehicles from stopping, standing or parking in a bicycle lane, and the amendments to Chapter 26 increase the civil fines for bicycle infractions that do not involve bicycle registration to twenty-five dollars (\$25.00).

Notice of Proposed Rulemaking was published in the D.C. Register on May 19, 2006, at 53 DCR 4166. No comments were received with regard to these rules and no changes have been made since publication as a Notice of Proposed Rulemaking. These final rules will be effective upon publication of this notice in the D.C. Register.

Title 18 DCMR, Chapter 12, **BICYCLES, MOTORIZED BICYCLES, AND MISCELLANEOUS VEHICLES**, is amended to read as follows:

A. Subsections 1204.1 through 1204.4 are amended to read as follows:

- 1204.1 Each bicycle shall be equipped with a brake which enables the operator to cause the braked wheels to skid on dry, level, clean pavement; provided, that a fixed gear bicycle is not required to have a separate brake, but an operator of a fixed gear bicycle shall be able to stop the bicycle using the pedals.
- 1204.2 Each bicycle, when in use at night, shall be equipped with a lamp on the front which shall emit a steady or flashing white light visible from a distance of at least five hundred feet (500 ft.) to the front and with a red reflector on the rear which shall be visible from all distances from fifty feet (50 ft.) to three hundred feet (300 ft.) to the rear when directly in front of upper beams of head lamps on a motor vehicle.
- 1204.3 A lamp emitting a steady or flashing red light visible from a distance of five hundred feet (500 ft.) to the rear may be used in lieu of the red reflector.

1204.4 In place of the requirements of §1204.2, a lamp may be worn on the body of an operator; provided, that it may be readily seen from the distances set forth in that subsection.

B. Section 1205, **APPROVAL AND SALE OF BICYCLE SAFETY EQUIPMENT**, is deleted in its entirety.

C. Subsection 1208.2 is repealed.

D. Subsection 1209.6 is amended to read as follows:

1209.6 Except as provided in this chapter, no person shall park a bicycle:

- (a) Upon a highway other than the roadway against the curb; or
- (b) Upon a sidewalk; except in a rack to support the bicycle, against a building, or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

E. Section 1210 is amended to read as follows:

**1210 REMOVAL OF BICYCLES FROM PUBLIC SPACE**

1210.1 Any bicycle left unused in public space for more than thirty (30) days shall be considered abandoned. The Director may remove an abandoned bicycle after placing notice on the bicycle for a period of at least ten (10) days. The Director shall attempt to identify and contact the owner of a registered bicycle prior to removing it from public space.

1210.2 Bicycles removed from public space that are in working order may be auctioned off to the highest bidder or given free-of-charge to minors as part of a bicycle recreation, safety, or responsibility program. Bicycles that are not in working order may be disposed of as solid waste.

F. Subsections 1210.3 and 1210.4 are repealed.

Title 18 DCMR, Chapter 24, Section 2405, **STOPPING, STANDING, OR PARKING PROHIBITED: NO SIGN REQUIRED**, is amended to read as follows:

A. Subsection 2405.1 is amended to read as follows:

2405.1 No person shall stop, stand, or park a vehicle in any of the following places, except when necessary to avoid conflict with other traffic, in compliance with law, or at the direction of a police officer or traffic control device:

- (a) Within an intersection;
- (b) On a crosswalk;

- (c) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (d) Upon any bridge, viaduct, or other elevated structure, freeway, highway tunnel, or ramps leading to and from such structures, or within a highway tunnel;
- (e) On any median, channelizing island, or safety zone, whether made of concrete, grass, or other material and with curbs or otherwise delineated by solid yellow or white lines;
- (f) In any driveway, alley entrance, or other way when stopping, standing or parking would obstruct the flow of pedestrian or other lawful traffic upon any sidewalk; and
- (g) In a bicycle lane.

Title 18 DCMR, Chapter 26, Section 2602, **BICYCLE INFRACTIONS**, is amended to read as follows:

- 2602.1 The following civil infractions and their respective fines set forth in this section refer to bicycles and the operation of bicycles. The fine for any bicycle violation not listed in this section is twenty-five dollars (\$25.00).

<u>INFRACTION (DCMR Citation)</u>	<u>FINE</u>
Carrying objects which prevent operator from keeping one hand on handle bars (§1201.6)	\$25.00
Excessive number of riders (§1201.5)	\$25.00
Failure to register bicycle (§1202.1)	\$5.00
Furnishing false information (§1202.8)	\$5.00
Hazardous driving (§1201.2)	\$25.00
Hitching on vehicle (§1201.16)	\$25.00
Impeding or obstructing traffic (§1201.3)	\$25.00
Improper equipment (§1204)	\$25.00
Improper Securing of Bicycle (§1209)	\$25.00
Mounting rack violation (§1206)	\$25.00

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Not riding on seat (§1201.4)	\$25.00
Operating an unregistered bicycle (§1201.2)	\$5.00
Removing registration plate or number (§1202.1)	\$5.00
Renting an unregistered bicycle (§1207.7)	\$5.00
Riding on sidewalk where not permitted (§1201.9)	\$25.00
Riding abreast, obstructing traffic (§1201.7)	\$25.00
Right-of-way, failure to yield (§1201.10ff)	\$25.00
Sounding of warning device (§§1201.14; 1204.7)	\$25.00
Speed, excessive (§1201.8)	\$25.00
Traffic control device, disobeying (§1201.15)	\$25.00